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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,127	03/17/2000	James L. Ford	AMAZON.047A	2957

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EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

176

Office Action Summary

Application No.

09/528,127

Applicant(s)

FORD ET AL.

Examiner

THUY PARDO

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Appeal Brief filed on March 07, 2002 in response to Examiner's Advisory Action has been entered.

2. Applicant's arguments in the Appeal Brief have been fully considered and they are deemed to be persuasive; therefore, the rejection of that action under 35 U.S.C. § 103(a) is withdrawn.

3. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schultz patent no. 5,640,553, in view of Automated Patent System (hereinafter "APS") in "Text Search and Retrieval Training Manual".

6. As to claim 1, Schultz teaches the invention substantially as claimed, comprising:

identifying, within each of a plurality of categories [349a of fig. 4A], a set of items that satisfy the search query [39 items found, see fig. 4A; col. 4, lines 8-9, 30-33] and presenting associated items that satisfy the search query in a display order [see fig. 4A; col. 13, lines 35-67].

However, Schultz does not explicitly teach using at least the sets of items identified to determine category significance levels that indicate for each of the plurality of categories a level of significance of the category to the query although it has the same functionality of searching a database of a retrieval system in response to a query. APS teaches determining category significance levels that indicate for each of the plurality of categories [see the results E1 to E6 from different classes and subclasses, page 5-18].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of APS to the system of Schultz as an efficient means to bring to clients' attentions of all related items that satisfy the query from different categories.

7. As to claim 9, it is similar to claim 1; therefore, it is rejected under the same rationale.
8. Claim 17 is a corresponding apparatus claim of claims 1 and 9; therefore, it is rejected under the same rationale.
9. As to claims 2, 12, and 20, Schultz and APS teach the invention substantially as claimed. Schultz further teaches determining the display order based on a profile of the user [col. 14, lines 15-25].

10. As to claims 3 and 14, Schultz and APS teach the invention substantially as claimed. Schultz further teaches determining item popularity scores for the corresponding set of items that satisfy the query [39 items found, see fig. 4A; col. 4, lines 8-9, 30-33] and APS further teaches using the item popularity scores to determine the category significance level for the category [see lines 7-13 of page 5-17 and display select E1 to E6 of page 5-18].

11. As to claims 4 and 15, Schultz and APS teach the invention substantially as claimed. Schultz further teaches that the item popularity scores are based on at least one type of user activity that evidences user affinities for a particular items [score, fig. 4A].

12. As to claims 5 and 19, Schultz and APS teach the invention substantially as claimed. Schultz further teaches selecting an item from a list of search results [39 items founds, see fig. 4A], placing an item in a shopping cart and purchasing an item [inherently having these features in the system in order to purchase products on-line such as Internet].

13. As to claim 11, Schultz and APS teach the invention substantially as claimed. Schultz further teaches displaying categories from highest to lowest category significance level [col. 13, lines 55-60; col. 14, lines 15-21].

14. As to claim 16, Schultz and APS teach the invention substantially as claimed. Schultz further teaches determining whether the query is satisfied by any web pages [col. 2, lines 60-64] that based on a set rules [inherent in the system].

15. As to claim 21, Schultz and APS teach the invention substantially as claimed, with the exception of a database of products sold by a merchant. However, since Schultz teaches commercial networks such as, for example, the Prodigy network, the CompuServe network [see col. 11, lines 32-45], the feature of a database of products sold by a merchant is obvious in the system. Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature to the system to increase the trading business over the Internet.

16. The elements of claims 6-8, 13, and 18 are rejected in the analysis above, and these claims are rejected on that basis.

17. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final Communication)
(703) 746-7239	(Official Communication)
(703) 746-7240	(For Status inquiries, draft communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

19. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).



Thuy Pardo
May 14, 2002

Charles Rones
Charles Rones
Primary Examiner
Art unit 2175